

one of the High Contracting Parties, shall have reason to believe that an infraction of the measures provided for by this Convention has been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

“Reports may, moreover, be prepared by the said officers, whatever may be the nationality of the inculpated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused parties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.”

§ 28. Penalties not to bar suits for damages

The penalties provided in this chapter for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury.

(Feb. 29, 1888, ch. 17, § 8, 25 Stat. 42.)

§ 29. Master of offending vessel punishable

When an offense against this chapter shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

(Feb. 29, 1888, ch. 17, § 9, 25 Stat. 42.)

§ 30. Definitions

Unless the context of this chapter otherwise requires, the term “vessel” shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term “master” shall be taken to include every person having command or charge of a vessel; and the term “person” to include a body of persons, corporate or incorporate. The term “convention” shall be taken to mean the International Convention for the Protection of Submarine Cables, made at Paris on the 14th day of May [March], 1884, and proclaimed by the President of the United States on the 22d day of May, 1885.

(Feb. 29, 1888, ch. 17, § 10, 25 Stat. 42.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 26 of this title.

§ 31. Summary trials

The provisions of sections 391–396 of title 33 shall extend to the trial of offenses against the provisions of sections 24 and 25 of this title.

(Feb. 29, 1888, ch. 17, § 11, 25 Stat. 42.)

§ 32. Application

The provisions of this chapter shall be held to apply only to cables to which the convention for the time being applies.

(Feb. 29, 1888, ch. 17, § 12, 25 Stat. 42.)

§ 33. Jurisdiction and venue of actions and offenses

The district courts of the United States shall have jurisdiction over all offenses against this chapter and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or on board a vessel of the United States outside of said waters. From the decrees and judgments of the district courts in actions and suits arising under this chapter appeals shall be allowed as provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of this chapter shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found; and suits of a civil nature may be commenced in the district court for any district within which the defendant may be found and shall be served with process.

(Feb. 29, 1888, ch. 17, § 13, 25 Stat. 42; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54.)

CODIFICATION

Words “and writs of error” after “appeals” deleted in view of section 1 of act Jan. 31, 1928, which abolished writs of error and provided for similar relief by appeal.

FEDERAL RULES OF CRIMINAL PROCEDURE

Special venue provisions of section as not affected by rule 18, see Notes of Advisory Committee on Rules set out under rule 18, Title 18, Appendix, Crimes and Criminal Procedure.

CROSS REFERENCES

Venue in civil actions generally, see section 1391 of Title 28, Judiciary and Judicial Procedure.

§ 34. Licenses for landing or operating cables connecting United States with foreign country; necessity for

No person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country, or connecting one portion of the United States with any other portion thereof, unless a written license to land or operate such cable has been issued by the President of the United States. The conditions of sections 34 to 39 of this title shall not apply to cables, all of which, including both terminals, lie wholly within the continental United States.

(May 27, 1921, ch. 12, § 1, 42 Stat. 8.)

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

DELEGATION OF FUNCTIONS

For delegation of functions, vested in President by sections 34 to 39 of this title, to Federal Communications Commission, see section 5(a) of Ex. Ord. No. 10530, eff. May 10, 1954, 19 F.R. 2709, set out under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36, 37, 38, 39 of this title.